

NRCS-Assisted Watershed Projects

Recent Questions & Answers

Background

Iowa House File 2351 and pending Senate amendments to this bill would change the use of the power of eminent domain in Iowa. The U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) has received many questions regarding this legislation and its potential effects on projects authorized by the Watershed Protection and Flood Prevention (WFPF) Acts under Public Law 83-566 (PL-566). Following are answers to several questions and concerns brought to our attention.

How are land rights requirements determined for various WFPF purposes in projects that include multi-purpose reservoirs?

Water resource projects planned and installed with WFPF Program assistance conform to the Watershed Protection and Flood Prevention Act and related rules found in 7 CFR 622. They are also planned in conformance with procedures set forth in Principles and Guidelines for the Economic and Environmental Evaluation of Federal Water Resource Projects

(hereafter referred to as "P&G"), and other applicable federal laws and regulations.

The P&G guidelines call for each planned purpose in federally-assisted projects to be evaluated on its own economic and environmental merits. Only those purposes for which project benefits outweigh project costs may be included in the project plan. The storage requirements (expressed in acre-feet) are determined for each planned reservoir purpose. These acre-feet requirements are translated into pool elevations by accounting for the topography in the pool area of the proposed reservoir.

Land rights requirements are determined by calculating the top-of-dam elevation required to accommodate the reservoir storage requirements for a given set of project purposes and for design criteria required to meet state and federal dam safety regulations.

Land rights required include:

- land upstream of the center line of the dam at and below the determined top-of-dam elevation,

tion,

- the footprint of the dam and any auxiliary spillways,
- land needed for construction borrow areas,
- land in the breach area of the dam, as required by federal, state or local dam safety laws, ordinances, regulations or policies;
- land needed for construction ingress and egress;
- land needed for ingress and egress associated with reservoir operation and maintenance; and
- land needed to comply with state or federal environmental requirements (including set back distances and environmental mitigation).

In the case of a multi-purpose reservoir, incremental raises in required top-of-dam elevations based on layered project purposes will identify additional areas of land required for each project purpose.

Past projects have included lands beyond the areas described above for the purposes of Public Recreation and/or Public Fish and Wildlife.

NRCS-Assisted Watershed Projects Recent Q & A

Will proposed state-level constraints on the power of eminent domain prevent local units of government from sponsoring projects receiving assistance through the WFPF Program?

Iowa House File 2351 and pending Senate amendments will not prevent local units of government in Iowa from serving as sponsors of projects assisted by the WFPF Program. All projects assisted by the WFPF Program are required by codified rule to address a significant land or water management problem. For this reason, all projects assisted through the WFPF Program in Iowa include at least one of the following purposes:

- Watershed Protection,
- Flood Damage Mitigation, or
- Agricultural Water Management (includes rural water supply).

What are the NRCS technical guidelines that could be used in determining the “number of acres justified as necessary for a surface drinking water source”?

NRCS Technical Release 19 (TR-19), entitled “Determination of Storage Requirements to Meet Supply-Demand Relations

(RESOP)” is the standard NRCS method for determining the storage of water for use at a later date. The needed storage is determined on a monthly basis given known inflow, demands and losses. RESOP is maintained by NRCS, and may be downloaded at no cost by accessing the web site of the NRCS National Water and Climate Center.

What are WFPF Program cost-share rates for reservoir projects that include only rural water supply and/or flood damage mitigation purposes compared to projects that also include other purposes such as public recreation and public fish and wildlife?

WFPF Program funds for structural measures, including dams, for the purpose of Agricultural Water Management (which includes rural water supply) may provide 100 percent of engineering costs, and up to 50 percent of construction costs. Federal contributions are not authorized for land rights acquisition for the purpose of Agricultural Water Management.

WFPF Program funds for structural water resource improvement

measures for the purposes of Public Recreation and Public Fish and Wildlife Development may provide 100 percent of engineering costs, up to 50 percent of construction costs, and up to 50 percent of land rights acquisition costs. For minimum basic facilities associated with Public Recreation, WFPF Program funds may provide up to 50 percent of land rights acquisition costs, up to 50 percent of installation costs, and up to 50 percent of engineering and technical assistance costs.

More Information

If you have additional questions, please contact Marty Adkins, Iowa NRCS Assistant State Conservationist (Water Resources), at 515-284-4769 or Dave Beck, Iowa NRCS Planning Leader, at 515-284-4135.

Iowa  NRCS Natural Resources Conservation Service
Helping People Help the Land
www.ia.nrcs.usda.gov

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotope, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.